

Department of Community Planning and Economic Development – Planning Division
Rezoning Petition, Conditional Use Permit, Variances, Site Plan Review, Plat & Vacation
BZZ – 3757, PL-219 & Vac-1534

Date: October 1, 2007

Applicant: Olin 4, LLC

Address of Property: 5310-5334 Minnehaha Avenue and 5329 48th Avenue South

Project Name: Olin 4, LLC

Contact Person and Phone: David Crockett, (612) 845-5290

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: September 7, 2007

End of 60-Day Decision Period: November 6, 2007

End of 120-Day Decision Period: On September 20, 2007, staff sent the applicant a letter extending the decision period no later than January 5, 2008.

Ward: 12 **Neighborhood Organization:** Nokomis East Neighborhood Association

Existing Zoning: C1 Neighborhood Commercial District and R1A Single-Family District

Proposed Zoning: OR2 High Density Office Residence District

Zoning Plate Number: 40

Legal Description: Block 13, Sunrise Park; together with Lots 1, 2, 3, 4, 5, 6, 7 and 19 Block 2, Minnehaha Parkview Addition to Minneapolis; according to the plats thereof of record in Hennepin County, Minnesota

Proposed Use: multi-family dwelling with 83 units.

Concurrent Review:

Petition to rezone the properties of 5310-5334 Minnehaha Avenue and 5329 48th Avenue South from the C1 District and R1A District to the OR2 District.

Conditional use permit to allow 83 dwelling units.

Variance to reduce the minimum lot area requirement by 9.7 percent.

Variances to reduce the established front yard requirement along 48th Avenue from 20 feet to 6 feet to allow the building and to reduce the front yard requirement to allow a patio area, and stairs and landings that extend more four feet above the adjoining natural grade.

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Variances to reduce the established front yard requirement along Minnehaha Avenue from 17 feet to 4 feet to allow the building and balconies, and to reduce the front yard requirement to allow stairs and landings that extend more four feet above the adjoining natural grade.

Variance to reduce the interior side yard requirement adjacent to the alley from 11 feet to 8.5 feet to allow the building.

Variance to reduce the rear yard requirement adjacent to the alley from 11 feet to 4 feet to allow the parking garage.

Variance to increase the maximum building lot coverage from 70 percent to 77.9 percent.

Site plan review.

Preliminary plat.

Alley vacation.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations,” (2) “To vary the lot area...requirements up to 30 percent...,” and (15) “To vary the maximum lot coverage...requirements”; Chapter 530, Site Plan Review; and Chapter 598 Land Subdivision.

Background: The applicant proposes to construct a new 4-story multifamily dwelling with 83 units located at the properties of 5310-5334 Minnehaha Avenue and 5329 48th Avenue South. The site is a through-lot with frontage on Minnehaha and 48th Avenue. It is located in close proximity to the VA Medical Center LRT station. The predominantly residential area is transitioning from low-density to higher density. The site was previously used for single-family residences and a commercial building. The existing buildings would be demolished to allow the proposed development. The proposed development would be constructed in two phases (Please note: As per section 525.40 of the zoning code, decisions of the Planning Commission are not valid longer than a year unless a building permit is obtained within such a period and the erection of the building is substantially begun and proceeds on a continual basis toward completion. The zoning administrator may for good cause shown grant up to a one year extension to the time limit). The phases would be connected by enclosed parking garage, but would have a courtyard between them. This project was continued from the Planning Commission meeting of October 1, 2007.

The properties of 5329 48th Avenue South, 5318-5334 Minnehaha Avenue, and a portion of 5310 Minnehaha Avenue are currently zoned R1A. The remainder of 5310 Minnehaha Avenue is zoned C1. The applicant is proposing to rezone the subject properties to OR2 to allow a multi-family dwelling with 83 units. A multi-family dwelling with more than 5 units is a conditional use in the OR2 district. Upon approval of the conditional use permit, the action must be recorded with Hennepin County as required by state law. A site plan review is required for any development with the addition of 5 or more dwelling units.

The minimum lot area requirement in the OR2 district is 700 square feet per dwelling unit, or 58,100 square feet for 83 units. The proposed lot size is 44,227 square feet. Therefore, the applicant is proposing 532.8 sq. ft. of lot area per dwelling unit. The applicant qualifies for a bonus to increase the

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number of dwelling units by providing enclosed parking. The 20 percent density bonus would allow the applicant to construct a total of 75 dwelling units. This would reduce the required lot area per dwelling unit to 589.7 square feet. To allow 83 dwelling units with a lot size requirement of 532.8 square feet per unit, the applicant must apply for a variance to reduce the minimum lot size by 9.7 percent.

The front lot lines are adjacent to Minnehaha and 48th Avenue. The minimum front yard requirement in the OR2 district is 15 feet unless an adjacent residential structure is setback more. Along Minnehaha Avenue, the closest residential structure is set back 17 feet from the front lot line, therefore a 17 foot front yard is required. Portions of the building and balconies would be setback 4 feet. Please note, the set back along Minnehaha Avenue is measured from the proposed right-of-way (sidewalk). Along 48th Avenue, the closest residential structure is set back 20 feet from the front lot line. Therefore, a 20 foot front yard is required. The building would be set back 6 feet from the front lot line. A patio is allowed in a required front yard as long as it does not extend more than 4 feet into the yard and does not exceed 50 square feet in area. The applicant is proposing a patio/outdoor plaza at the north end of the site. The patio area contained on-site would be approximately 480 square feet. Stairs and landings are allowed in required yards as long as they do not extend more four feet above the adjoining natural grade. Several stairs and landings would extend more than 4 feet above the adjacent grade in the front yards adjacent to both Minnehaha and 48th Avenue. Variances are required.

Interior side yards are required along the south lot lines. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A four-story building is proposed, therefore the minimum requirement is 11 feet. The building would be set back 8.5 feet from the lot line adjacent to the proposed alley. A variance is required.

A rear yard is required along the south-westerly property line adjacent to the existing alley. The minimum requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A four-story building is proposed, therefore the minimum requirement is 11 feet. The enclosed parking garage would extend above grade 4 feet from the property line, therefore a variance is required.

The maximum lot coverage allowed in the OR2 district is 70 percent. The proposed foot print is approximately 34,452 square feet, which covers 77.9 percent of the site. A variance is required.

Through a plat, the applicant is proposing to dedicate a public sidewalk in order to establish a green boulevard in the existing right-of-way and to dedicate a new alley segment to replace a portion that is proposed to be vacated. Only the preliminary plat is being reviewed at this time.

The proposed building configuration requires the vacation of a portion of the alley.

As of writing this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the properties of 5310-5334 Minnehaha Avenue and 5329 48th Avenue South from the C1 District and R1A District to the OR2 District.

Findings as required by the Minneapolis Zoning Code for the rezoning petition:

- 1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

4.9 Minneapolis will grow by increasing its supply of housing.

Applicable Implementation Steps

Support the development of new medium- and high-density housing in appropriate locations throughout the City.

9.5 Minneapolis will support the development of residential dwellings of appropriate form and density.

Applicable Implementation Step

Expand the understanding of the role that urban density plays in improving business markets, increasing the feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces.

The *Nokomis East Light Rail Transit Station Area Plan* was adopted by the City Council in January of 2007. The plan calls for multifamily residential at this site in a building(s) 3-5 stories in height.

Staff comment: The OR2 district would allow a multi-family dwelling as called for in the *Nokomis East Light Rail Transit Station Area Plan*. Higher density allowed by the OR2 would increase the success of the LRT.

- 2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

The site is located between the 50th Street LRT station and the VA Medical Center LRT station. The *Nokomis East Light Rail Transit Station Area Plan* was adopted by the City Council earlier this year. The plan calls for multi-family residential on this site because of its proximity to the LRT stations. Increased density around LRT stations supports the success of public transit. The amendment is in the public interest and not solely in the interest of the property owner.

- 3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

Various zoning districts exist in the immediate area. North of the site, multifamily residences are located in OR2 and R5 zoning districts. South of the site on Minnehaha Avenue, commercial uses and low-density residential uses are located in C1, C2 and OR2 districts. Along 48th Avenue, low-density residences are located in the R1A district. To the east of the site on Minnehaha Avenue, several residences are located in the R1 district. The OR2 district allows multifamily residences and limited nonresidential uses. The proposed zoning should be compatible with the surrounding properties.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

Currently, C1 and R1A zoning exists on the site. The C1 district allows small retail sales and services uses and multifamily residences. The R1A district primarily allows single-family residences, but does not allow multi-family residences. The OR2 district would allow multi-family residential development, but would limit the types of nonresidential uses that could be established. Because of the sites location between two LRT stations, multifamily residential would be a more appropriate use of the land than uses allowed in the existing districts.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

A few former commercial sites along Minnehaha Avenue have been converted to multi-family residential developments. The zoning has also changed to allow for multi-family residential developments, including several sites rezoned to OR2 within the immediate area. The adopted plan for the area and *The Minneapolis Plan* anticipate and promote the redevelopment of this site to promote multi-family residential development.

CONDITIONAL USE PERMIT: to allow 83 dwelling units.

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The establishment of 83 dwelling units on the site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

2. **Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

Primarily residential uses exist in the area with the exception of the south end of the block. The development of this site with a residential use should have a positive effect on surrounding properties.

3. **Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

The site is served by existing infrastructure. Two curb cuts are currently located on 48th Avenue. These curb cuts will be closed and vehicle access for the proposed development would be from 48th Avenue through one new curb cut. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

4. **Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The minimum parking requirement for the multifamily dwelling is 75 spaces (0.9 per unit). The applicant is proposing 107 spaces. The applicant is also proposing to provide 83 bike spaces in the enclosed parking garage. Public Works has approved the traffic impact study completed for this project and surrounding development plans along Minnehaha Avenue. The traffic study found negligible impacts to both the arterial roadways and to the neighborhood. The development should have little effect on congestion in the streets.

5. **Is consistent with the applicable policies of the comprehensive plan.**

In addition to the principles and policies discussed in the rezoning section of this staff report, the following apply:

4.11 Minneapolis will improve the availability of housing options for its residents.

Applicable Implementation Steps

Increase the variety of housing styles and affordability levels available to prospective buyers and renters.

Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

The *Nokomis East Light Rail Transit Station Area Plan* calls for multifamily residential at this location in a building(s) 3-5 stories in height. Between the Minnehaha Avenue curb and the property line, the right-of-way is approximately 5 feet in width with only enough room for a sidewalk. Therefore, the plan encourages development to be setback 18 feet from the curb-line to allow a 5-foot wide boulevard, a 5-foot wide sidewalk (inside the property line), and an 8-foot building frontage zone. Front porches and steps could be located in the building frontage zone.

Staff comment: A 4-story multi-family dwelling is proposed. A variety of unit sizes are proposed. The applicant is proposing to dedicate land for a 6-foot wide sidewalk (minimum width required by Public Works) to the city. The existing sidewalk would be converted to a green boulevard with trees. The distance between the building and sidewalk would only be set back 4 to 6 feet from the sidewalk. However, stairs would connect ground level units in the second phase to the street. Staff is recommending that at least two of the ground floor units in the first phase have stairs that connect to the Minnehaha right-of-way. The use would be consistent with the comprehensive plan and the *Nokomis East Light Rail Transit Station Area Plan*.

6. And does, in all other respects, conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The use of the site for a multi-family dwelling with 83 units will conform to the applicable regulations of the districts in which it is located upon the approval of the rezoning, conditional use permit, variances, site plan review, plat and alley vacation.

VARIANCE: to reduce the minimum lot area requirement by 9.7 percent.

Findings as required by the Minneapolis Zoning Code:

1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

The applicant is requesting to reduce the minimum lot size per dwelling unit from 589.7 square feet to 532.8 square feet (9.7 percent). The applicant is proposing to dedicate land to allow a boulevard and wider sidewalk along Minnehaha Avenue. Because the dedicated land would become public right-of-way, the right-of-way area is not included in the lot area calculation for the development. Also, the applicant is required to provide a corner cut for the new alley resulting in an outlot. An outlot is not buildable and is not included in the lot area for the development. If the area for the dedicated sidewalk and outlot were included in the lot area, the variance would be to reduce the lot area requirement to allow only 3 additional dwelling units. The site is located between two LRT stations. Increased density around LRT stations supports the success of public transit. Because the applicant is providing an amenity that serves the public interest and the site is near the LRT stations, the proposed density is reasonable.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

The site is located between two LRT stations. Between the Minnehaha Avenue curb and the property line, only 5 feet of right-of-way exists. The small area plan for this area, *Nokomis East Light Rail Transit Station Area Plan*, calls for a 5-foot wide boulevard and a 5-foot wide sidewalk (please note, the minimum width required by Public Works for a sidewalk is 6 feet).

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The applicant is proposing to dedicate a strip of land approximately 6 feet in width of the site for the public right-of-way to comply with the small area plan and Public Works requirements. These circumstances are unique and were not created by the property owner.

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Lot area requirements are established to ensure compatibility with surrounding uses. Establishing higher density between two LRT stations meets the intent of the ordinance. There are other multifamily dwellings in the immediate area. The increased density should have little effect on surrounding properties.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The proposed variance should not increase the danger of fire or endanger public safety. Adequate parking facilities are provided on-site and the site is within short walking distance of a light rail transit station. The additional traffic generated by the development should not have a large impact on the public streets.

VARIANCES: 1) to reduce the established front yard requirement along 48th Avenue from 20 feet to 6 feet to allow the building and to reduce the front yard requirement to allow a patio area, and stairs and landings that extend more four feet above the adjoining natural grade; 2) to reduce the established front yard requirement along Minnehaha Avenue from 17 feet to 4 feet to allow the building and balconies, and to reduce the front yard requirement to allow stairs and landings that extend more four feet above the adjoining natural grade; 3) to reduce the interior side yard requirement adjacent to the alley from 11 feet to 8.5 feet to allow the building; and 4) to reduce the rear yard requirement adjacent to the alley from 11 feet to 4 feet to allow the parking garage.

Findings as required by the Minneapolis Zoning Code:

1. **The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Front yard variances: The minimum front yard requirement along 48th Avenue is 20 feet. The building and balconies would generally be set back between 6 and 7.5 feet along 48th Avenue. The adjacent residential structure would be located approximately 40 feet from the proposed building. The minimum front yard requirement along Minnehaha Avenue is 17 feet. The building and balconies would be set back between 4 and 6 feet from the proposed front lot line along Minnehaha Avenue. In relation to the adjacent residential structure, the building would only extend 7 feet in front of that structure. Other multifamily residences along Minnehaha Avenue north of the site are located closer to the property line as well. In addition to the site having two required front yards, the site is odd-shaped and narrow at the north end. Complying with the front yard requirements would significantly limit the buildable area and reduce the

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amount of parking that could be provided in the building. A patio is allowed in a required front yard as long as it does not extend more than 4 feet into the yard and does not exceed 50 square feet in area. The applicant is proposing a patio/outdoor plaza at the north end of the site. The patio area contained on-site would be approximately 480 square feet. This portion of the site is not adjacent to any other properties. In a front yard, stairs not exceeding 6 feet in width and landings not exceeding 36 square feet in area are a permitted obstruction as long as they do not extend more than 4 feet above grade. All of the proposed stairs and landings comply with the size limitations, but some extend more than 4 feet above grade. The highest grade is at the south end of the site and slopes down to the north and east. As a result, some stairs extend more than 4 feet above grade. The variance requests are reasonable.

Interior side variance: An 11 foot wide interior side yard is required in the area north of the proposed east-west alley. The building is proposed to be set back 8.5 feet from the lot line. It would be separated from the adjacent residence by a 16-foot wide alley and an 11-foot wide outlot. The request is reasonable.

Rear yard variance: An 11 foot wide rear yard is required to the east of the existing alley. The enclosed parking garage would project 2 feet above grade in that yard and would be set back 4 feet from the lot line. The first through 4th floors of the building would comply with the yard requirement. By complying with the yard requirements, parking would be lost. The applicant is proposing a terrace on the roof of the garage. The closest residential structure is separated from the site by an alley. Because only the enclosed parking garage and terrace on the roof of the garage extend into the yard, the request is reasonable.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Front yard variances: The site has two required front yards, and is odd-shaped and narrow at the north end. Other multifamily residences along Minnehaha Avenue north of the site are located closer to the property line as well. The small area plan for this area, *Nokomis East Light Rail Transit Station Area Plan*, calls for a 5-foot wide boulevard and a 5-foot wide sidewalk (please note, the minimum width required by Public Works for a sidewalk is 6 feet). The highest grade is at the south end of the site and slopes down to the north and east. These circumstances have not been created by the applicant.

Interior side and rear yard variances: The alley would provide separation from the adjacent property most affected by these variance requests. These circumstances have not been created by the applicant.

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

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In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses.

Front yard variance along 48th: The minimum front yard requirement along 48th Avenue is 20 feet. The building and balconies would generally be set back between 6 and 7.5 feet along 48th Avenue. The proposed building would be located approximately 40 feet from the adjacent residential structure. A semi-public patio/plaza at the north end of the site would be a public amenity. A series of steps leads to each home in the immediate area because of grade changes. The granting of the variance should have little effect on the surrounding properties.

Front yard variance along Minnehaha: The minimum front yard requirement along Minnehaha Avenue is 17 feet. The building and balconies would be set back between 4 and 6 feet from the proposed front lot line along Minnehaha Avenue. In relation to the adjacent residential structure, the building would only extend 7 feet in front of that structure. Other multifamily residences along Minnehaha Avenue north of the site are located closer to the property line as well. A series of steps leads to each home in the immediate area because of grade changes. The granting of the variance should have little effect on the surrounding properties.

Interior side variance: The alley and outlot would be located south of the required yard providing separation from the adjacent residential property and maintaining light and air to the subject site. The granting of the variance should have little effect on the surrounding properties.

Rear yard variance: The enclosed parking garage would project 2 feet above grade in that yard and would be set back 4 feet from the lot line. The first through 4th floors of the building would comply with the yard requirement. A terrace is also proposed on the roof of the garage. The closest residential structure is separated from the site by an alley. The granting of the variance should have little effect on surrounding properties.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

All yard variances: The CPED Department does not expect that granting the variances would affect congestion or public safety.

VARIANCE: to increase the maximum building lot coverage allowed from 70% to 77.9%.

Findings as required by the Minneapolis Zoning Code:

1. **The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Not more than 70 percent of a zoning lot can be covered by buildings in the OR2 district. The proposed lot area is 44,227 square feet. Seventy percent of the lot area is equal to approximately 30,960 square feet. The applicant is proposing a footprint of 34,452 square feet, or 77.9 percent

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of the lot area. The footprint of the enclosed parking garage is included in the building coverage calculations. Above the parking garage level the building is separated into two sides. The sides are separated by a 6,518 square foot courtyard/green roof. If this area were not included in the building coverage, the building coverage would be approximately 63 percent. The request is reasonable.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The small area plan for this area, *Nokomis East Light Rail Transit Station Area Plan*, calls for a 5-foot wide boulevard and a 5-foot wide sidewalk (please note, the minimum width required by Public Works for a sidewalk is 6 feet). The applicant is dedicating part of the site to comply with this vision. As a result, the buildable area of the lot would be reduced.

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The maximum lot coverage requirements are established to preserve open space in residential districts. A 6,518 square foot courtyard/green roof is proposed above the parking garage to separate the two sides of the building. Granting the variance would be in keeping with the intent of the ordinance and should have little effect on surrounding properties.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The granting of the variance should not affect public safety or increase congestion in the public streets.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

- A. **The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. **The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of the Zoning Code

BUILDING PLACEMENT AND DESIGN:

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- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

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Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

Conformance with above requirements:

The building would reinforce the street wall on Minnehaha and 48th Avenue. An abundant amount of windows would be provided at the first floor level to provide natural surveillance and visibility. Providing proper low level lighting in the courtyard area should make the area more visible at night and safer for residents. Walkways would lead to the main entrances accessed from the courtyard. Most first floor residences would have direct access to the adjacent streets as well.

The minimum front yard required along Minnehaha Avenue is 17 feet and along 48th Avenue it is 20 feet. However, most of the building wall along both streets is located within 8 feet of the property lines. The applicant is requesting variances to reduce the required front yards.

The area between the building and the streets would be landscaped and would have walkways and stairs leading to building entrances. At the northern most corner of the site, the applicant is proposing a semi-public patio/plaza with decorative pavers.

The main entrances to each side of the building face an interior courtyard that opens to Minnehaha Avenue and 48th Avenue. Because the principal entrances do not face the street the applicant is requesting alternative compliance. Most of the first floor units would have individual entrances and stairs leading to the adjacent public sidewalk. However, the four first floor units facing Minnehaha as part of the first phase do not have stairs. Staff believes alternative compliance should be granted if at least two of the first floor units of the first phase facing Minnehaha Avenue have entrances and stairs connecting to the public sidewalk in addition to those already proposed.

All parking would be located within the building.

The building would be divided into two sections with a courtyard separating them. The building design includes recesses and projections and windows on all levels to further divide the building into smaller identifiable sections.

There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length.

The primary exterior materials would include rock-face masonry, burnished concrete block, brick, cement fiber panels, and metal panels. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

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Plain face concrete block would not be used as a primary exterior building material.

All sides of the building would be compatible to each other and similar in appearance.

The main entrances for both sides of the building would be sheltered by canopies to emphasize their importance. Also, stairs would lead to covered entrances to most of the first floor dwellings adjacent to Minnehaha and 48th Avenue. Staff is recommending that at least two of the first floor units of the first phase facing Minnehaha Avenue have entrances and stairs connecting to the public sidewalk in addition to those already proposed.

The north, east and west building walls are subject to the minimum window requirements. At least 20 percent of the first floor walls must be windows and at least 10 percent of each wall above the first floor must be windows. The amount of windows on all walls of all levels would exceed 20 percent.

All windows would be vertical in proportion and distributed in an even manner.

A flat roof is proposed. Several of the multi-family dwellings within the immediate area also have flat roofs.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with above requirements:

Walkways leading to the main entrances from both Minnehaha and 48th Avenue would be 6 feet in width. Staff is also recommending that at least two of the first floor units of the first phase facing Minnehaha Avenue have entrances and stairs connecting to the public sidewalk in addition to those already proposed for the rest of the development. Lighting would be provided in the courtyard area. Providing proper low level lighting in the courtyard area should make the area more visible at night and safer for residents.

A transit shelter is not proposed or adjacent to the site.

Access to the below-grade parking garage would be through one curb cut 18 feet in width located on 48th Avenue. The applicant is not proposing vehicular access to and from the site from public alley. The proposed access should have minimal impact on pedestrians and surrounding residential properties.

Most of the area not covered by the building would be landscaped. The applicant is also proposing a green roof over part of the parking garage. The amount of impervious surface proposed is not excessive.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.
- Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 44,227 square feet. The building, including the below-grade parking area, would be approximately 34,452 square feet. The lot area minus the building footprint therefore consists of approximately 9,775 square feet. At least 20 percent of the net site area (1,955 square feet) must be landscaped. Approximately 6,063 square feet of the site would be landscaped. That is equal to 62 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 4 and 20 respectfully. The applicant would provide 1 canopy tree and over 300 shrubs on-site. The applicant is also proposing to plant 16 ornamental deciduous trees and 23 coniferous trees on-site, to establish a 5 foot boulevard along Minnehaha Avenue, to plant

a total of 14 canopy trees in the boulevards of Minnehaha and 48th Avenue, a green roof over the garage (the courtyard between the two sides of the building), and to construct an outdoor patio/plaza at the north end of the site. The plan indicates that the remainder of the landscaped area would be covered with plants such as turf grass, native grasses, or other perennial flowering plants. However, it is unclear what is proposed south of the building in the area east of the alley. Staff is recommending that where trees, shrubs or perennials are not proposed, the primary ground cover shall be sod. Although the proposal does not comply with the minimum on-site canopy tree requirement, staff believes the applicant is proposing a site plan of exceptional design that includes amenities consistent with the design of the site and surrounding area and that alternative compliance is warranted.

No surface parking is proposed.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

Conformance with above requirements:

No surface parking is proposed.

The building should not impede any views of important elements of the city.

The building should not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site design provides natural surveillance and visibility, controls and guides to movement on the site, and distinguishes between public and non-public spaces. An abundant amount of windows would be provided on all sides of the building to provide natural surveillance. Walkways through the site would be clearly defined. The proposed landscaping between the streets and the courtyard should signify the area is semi-public. An open decorative fence is proposed along the perimeter of the site to further distinguish between public and non-public

spaces. Providing proper low level lighting in the courtyard area should make the area more visible at night and safer for residents.

The existing structures on the site are not historic.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: The properties of 5329 48th Avenue South, 5318-5334 Minnehaha Avenue, and a portion of 5310 Minnehaha Avenue are currently zoned R1A. The remainder of 5310 Minnehaha Avenue is zoned C1. The applicant is proposing to rezone the subject properties to OR2 to allow a multi-family dwelling with 83 units. A multi-family dwelling with more than 5 units is a conditional use in the OR2 district.

Parking and Loading: The minimum parking requirement for the multifamily dwelling is 75 spaces (0.9 per unit). The applicant is proposing a total of 107 parking spaces. The applicant is also proposing to provide 83 bike spaces in the enclosed parking garage.

Maximum Floor Area: The lot area is 44,227 square feet. The maximum FAR allowed in the OR2 District is 2.5. The development qualifies for a density bonus to increase the FAR by 20 percent by providing all required parking in the building. This increases the FAR to 3.0. The building would have a total of 106,016 square feet, which is an FAR of 2.4.

Minimum Lot Area: The minimum lot area requirement in the OR2 district is 700 square feet per dwelling unit, or 58,100 square feet for 83 units. The proposed lot size is 44,227 square feet. Therefore, the applicant is proposing 532.8 sq. ft. of lot area per dwelling unit. The applicant qualifies for a bonus to increase the number of dwelling units by providing enclosed parking. The 20 percent density bonus would allow the applicant to construct a total of 75 dwelling units. This would reduce the required lot area per dwelling unit to 589.7 square feet. To allow 83 dwelling units with a lot size requirement of 532.8 square feet per unit, the applicant must apply for a variance to reduce the minimum lot size by 9.7 percent.

Dwelling Units per Acre: The proposed density would be approximately 81.8 dwelling units per acre.

Building Height: In the OR2 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The height of the building would be 4 stories and 56 feet.

Yard Requirements: The front lot lines are adjacent to Minnehaha and 48th Avenue. The minimum front yard requirement in the OR2 district is 15 feet unless an adjacent residential structure is setback more. Along Minnehaha Avenue, the closest residential structure is set back 17 feet from the front lot line, therefore a 17 foot front yard is required. Portions of the building and balconies would be set back 4 feet. Please note, the set back along Minnehaha Avenue is measured from the proposed right-of-way (sidewalk). Along 48th Avenue, the closest residential structure is set back 20 feet from the front lot line. Therefore, a 20 foot front yard is required. The building would be set back 6 feet from the front lot line. A patio is allowed in a required

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front yard as long as it does not extend more than 4 feet into the yard and does not exceed 50 square feet in area. The applicant is proposing a patio/outdoor plaza at the north end of the site. The patio area contained on-site would be approximately 480 square feet. A variance is required. Stairs and landings are allowed in required yards as long as they do not extend more than four feet above the adjoining natural grade. Several stairs and landings would extend more than 4 feet above the adjacent grade in the front yards adjacent to both Minnehaha and 48th Avenue. The applicant is requesting variances to reduce the front yard requirements.

Interior side yards are required along the south lot lines. The minimum interior side yard requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A four-story building is proposed, therefore the minimum requirement is 11 feet. The building would be set back 11 feet from the south lot line adjacent to the property of 5338 Minnehaha Avenue. The building would be set back 8.5 feet from the lot line adjacent to the proposed alley. The applicant is requesting a variance.

A rear yard is required along the south-westerly property line adjacent to the existing alley. The minimum requirement is equal to $5+2x$, where x is equal to the number of stories above the first floor. A four-story building is proposed, therefore the minimum requirement is 11 feet. The enclosed parking garage would extend above grade 4 feet from the property line, therefore the applicant is requesting a variance.

Building Lot Coverage: The maximum lot coverage allowed in the OR2 district is 70 percent. The proposed foot print is approximately 34,452 square feet, which covers 77.9 percent of the site. The applicant is requesting a variance.

Impervious Surface: The maximum impervious surface coverage allowed in the OR2 district is 85 percent. The proposed amount of impervious surface is approximately 34,295 square feet, which covers approximately 77.5 percent of the site.

Specific Development Standards: Not applicable.

Hours of Operation: Not applicable.

Refuse screening: Refuse storage containers would be contained in the building.

Screening of mechanical equipment: The applicant has indicated that all mechanical equipment would be located in the garage or on the roof. All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

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- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Lighting: Lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.

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- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Fencing: The applicant is proposing a 3.5-foot high decorative metal fence around various segments of the perimeter of the site. A 4-foot high fence is allowed in a required front yard as long as it is less than 60 percent opaque and constructed of decorative, ornamental fencing materials. At the north end of the site, part of the fencing proposed as part of the public amenity would exceed 4 feet in height and would be located in the required front yards.

Signs: Two address signs, one wall-mounted and the other freestanding, are proposed. They comply with the OR2 district requirements for size, number and height of signs. The signage will require Zoning Office review, approval, and permits.

MINNEAPOLIS PLAN: Please refer to the rezoning and conditional use permit sections of this report.

ALTERNATIVE COMPLIANCE:

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is requested by the applicant to meet the following standards:

- Principal entrances facing a street

The main entrances to each side of the building face an interior courtyard that opens to Minnehaha Avenue and 48th Avenue. Because the principal entrances do not face the street the applicant is requesting alternative compliance. Most of the first floor units would have individual entrances and stairs leading to the adjacent public sidewalk. However, the four first floor units facing Minnehaha as part of the first phase do not have stairs. Staff believes alternative compliance should be granted if at least two of the first floor units of the first phase facing Minnehaha Avenue have entrances and stairs connecting to the public sidewalk in addition to those already proposed for the development.

- Minimum tree requirement

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The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 4 and 20 respectfully. The applicant would provide 1 canopy tree and over 300 shrubs on-site. The applicant is also proposing to plant 16 ornamental deciduous trees and 23 coniferous trees on-site, to establish a 5 foot boulevard along Minnehaha Avenue, to plant a total of 14 canopy trees in the boulevards of Minnehaha and 48th Avenue, a green roof over the garage (the courtyard between the two sides of the building), and to construct an outdoor patio/plaza at the north end of the site. The plan indicates that the remainder of the landscaped area would be covered with plants such as turf grass, native grasses, or other perennial flowering plants. However, it is unclear what is proposed south of the building in the area east of the alley. Staff is recommending that where trees, shrubs or perennials are not proposed, the primary ground cover shall be sod. Although the proposal does not comply with the minimum on-site canopy tree requirement, staff believes the applicant is proposing a site plan of exceptional design that includes amenities consistent with the design of the site and surrounding area and that alternative compliance is warranted.

PRELIMINARY PLAT

Findings as required by the Minneapolis Zoning Code for the preliminary plat:

- 1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the zoning code ordinance and policies of the comprehensive plan.**

The plat would not create nonconformities related to the zoning regulations of the OR2 district. The land would be divided into three parcels including an outlot. The applicant has indicated that they need two lots for financing purposes related to the phasing of the development. However, the two lots are still a zoning lot. Please note that an outlot is unbuildable therefore it does not need to comply with the minimum lot size requirements of the district. The applicant has indicated that the outlot would be sold to the property owner of 5333 48th Avenue South.

The subdivision is in conformance with the applicable design requirements of the land subdivision regulations and the alley and sidewalk design standards from Table 598-1 except for Section 598.230 (5), which requires utility easements to be 5 feet wide on an interior side lot line and Section 598.240(2), which does not allow lots with more than 5 sides. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the reduction of drainage and utility easements where Lots 1 and 2 abut one another. A variance is also required to allow a 7 sided lot (Lot 2). While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and

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necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

The applicant has indicated that they need two lots for financing purposes related to the phasing of the development. Because the building would be built over the lot line, utility easements are not practical. Staff is recommending granting the variance to 0 feet. The site is odd shaped because Minnehaha Avenue does not run parallel with the traditional street grid. The variance should have no affect on surrounding properties. Staff is recommending granting the variance to allow Lot 2 to have 7 sides.

2. **The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

A new alley segment is proposed to prevent a dead-end alley. A wider sidewalk is proposed to be dedicated as public right-of-way. The plat should have a positive impact on the surrounding area.

3. **All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

The site is basically level and does not present the other noted hazards. The easement variances should have little effect on surrounding uses.

4. **The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

Minimal changes to the grade are proposed. The site would have frontage on existing public streets.

5. **The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practical, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

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The Public Works Department will review the project for appropriate drainage and stormwater management. The amount of stormwater runoff from the site should not increase significantly.

ALLEY VACATION (Vac-1534)

Development Plan: The applicant intends to use the vacated alley as part of a developable area to construct a multifamily dwelling.

Responses from Utilities and Affected Property Owners: An easement was requested by Xcel Energy. The utility has requested that an easement be reserved for All that portion of the platted alley which lies between the northerly extension of the west line of Lot 19, Block 2, Minnehaha Parkview Addition to Minneapolis, and the easterly extension of a line drawn 24.66 feet northerly of and parallel to the south line of said Lot 19, all according to the plat of record at the Hennepin County Records office, Minneapolis, Minnesota.

Findings: The proposed multifamily dwelling would encroach on the requested easement. The applicant will need to work with Xcel to have the easement released before building permits are issued. The CPED Planning Division and Public Works Department finds that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if an easement is reserved for Xcel Energy and a new alley opening to 48th Avenue is dedicated via the subdivision process.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Rezoning:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the properties of 5310-5334 Minnehaha Avenue and 5329 48th Avenue South from the C1 District and R1A District to the OR2 District.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 83 dwelling units for the properties located at 5310-5334 Minnehaha Avenue and 5329 48th Avenue South, subject to the following condition:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum lot area requirement by 9.7 percent for the properties located at 5310-5334 Minnehaha Avenue and 5329 48th Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for variances to reduce the established front yard requirement along 48th Avenue from 20 feet to 6 feet to allow the building and to reduce the front yard requirement to allow a patio area, and stairs and landings that extend more four feet above the adjoining natural grade for the properties located at 5310-5334 Minnehaha Avenue and 5329 48th Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for variances to reduce the established front yard requirement along Minnehaha Avenue from 17 feet to 4 feet to allow

the building and balconies, and to reduce the front yard requirement to allow stairs and landings that extend more four feet above the adjoining natural grade for the properties located at 5310-5334 Minnehaha Avenue and 5329 48th Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the interior side yard requirement adjacent to the alley from 11 feet to 8.5 feet to allow the building for the properties located at 5310-5334 Minnehaha Avenue and 5329 48th Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the rear yard requirement adjacent to the alley from 11 feet to 4 feet to allow the parking garage for the properties located at 5310-5334 Minnehaha Avenue and 5329 48th Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum building lot coverage from 70 percent to 77.9 percent for the properties located at 5310-5334 Minnehaha Avenue and 5329 48th Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a multi-family dwelling with 83 units for the properties located at 5310-5334 Minnehaha Avenue and 5329 48th Avenue South, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 7, 2008, or the permit may be revoked for non-compliance.
3. At least two of the first floor units of the first phase facing Minnehaha Avenue shall have entrances and stairs connecting to the public sidewalk in addition to those already proposed for the rest of the development as required by section 530.110 of the zoning code.

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4. Proper low level lighting shall be provided in the courtyard area as required by section 530.260 of the zoning code.
5. In the area south of the building and east of the alley, the primary ground cover shall be sod where trees, shrubs or perennials are not proposed as required as an alternative compliance measure for section 530.160 of the zoning code.
6. The height of fences shall comply with the requirements of section 535.420 of the zoning code.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Preliminary Plat:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for the preliminary plat for the properties located at 5310-5334 Minnehaha Avenue and 5329 48th Avenue South.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Alley Vacation:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for the alley vacation for the properties located at 5310-5334 Minnehaha Avenue and 5329 48th Avenue South, subject to the following conditions:

- 1) An easement shall be reserved for Xcel Energy.
- 2) A new alley opening to 48th Avenue shall be dedicated in the final plat. The final plat shall be recorded with Hennepin County.

Attachments:

1. PDR comments
2. Statement of use
3. Applicant findings
4. Correspondence
5. Draft vacation resolution
6. Zoning and alley vacation maps
7. Plans
8. Photos